

REMARKS

Request for Reconsideration, Informal Matters & Claims Pending

The application stands subject to a non-final Office Action mailed on 24 December 2008. Reconsideration of the claimed invention in view of any amendments above and the discussion below is respectfully requested.

An extension under 37 CFR 1.136(b) has been requested.

Claim 14 was canceled.

Claims 1-13 and 15-18 are currently pending.

Arguments re: Misra & Fan

Rejection Summary

Claims 1-13 and 15-18 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Publication No. 2004/0022209 (Misra) in view of U.S. Publication No. 2003/00079021 (Fan).

Discussion of Claim 1

Regarding Claim 1, Misra and Fan fail to suggest a

... method in a wireless communications device, the method comprising:

- pre-empting an active packet session with an event;
- suspending operation of a dormancy timer initiated upon pre-emption of the active packet session;

re-starting the suspended dormancy timer upon completion of either a service or application associated with the event pre-empting the active packet session.

The Examiner concedes that Misra fails to disclose "...suspending operation of a dormancy timer initiated upon pre-emption of the active packet session... [and] ... re-starting the suspended dormancy timer upon completion of either a service or application associated with the event pre-empting the active packet session" as recited in Claim 1.

The Examiner's reliance on Fan to overcome the deficiencies of Misra is erroneous. Fan discloses a call server that sends accounting data to an authentication, authorization and accounting (AAA) server. At paragraph [0025], Fan indicates that the call server collects subscriber IP session billing data at a first billing rate and collects billing data at a second rate upon expiration of a Time of Day (TOD) timer. The call server reports the billing data to the AAA server. At paragraph [0026], Fan discusses network operator initiated Accounting Interim events that prompt the call server to send interim subscriber accounting status reports to the AAA server and Accounting Stop events that prompt the call server to send IP session activity accounting reports to the AAA server. At paragraph [0027], Fan describes how the call server responds to the Interim and Stop events. In the case of a Stop event, the call server sends an accounting stop message (in the form of session parameters) to the AAA server to indicate termination of a first portion of the billing session billed at the first rate. Thereafter, the call server sends an accounting start message to the AAA server for IP sessions billed at the second rate. Contrary to the Examiner's assertion, there is no disclosure in Fan for any or more of the "pre-empting", "suspending" or "re-starting" limitations of

Claim 1. Misra and Fan cannot possibly be combined in a manner that meets the limitations of Claim 1. Claim 1 is thus patentably distinguished over the Misra and Fan.

Discussion of Claim 7

Regarding Claim 7, Misra and Fan fail to suggest a

... method in a wireless communications device, the method comprising:
pre-empting an active packet session with an event;
suspending initiation of a dormancy timer that would otherwise be initiated after pre-emption of the packet session;
initiating the suspended dormancy timer upon completion of either a service or application associated with the event pre-empting the active packet session.

The Examiner concedes that Misra fails to disclose "...suspending initiation of a dormancy timer that would otherwise be initiated after pre-emption of the packet session ... [and] ... initiating the suspended dormancy timer upon completion of either a service or application associated with the event pre-empting the active packet session" as recited in Claim 7.

The Examiner's reliance on Fan to overcome the deficiencies of Misra is erroneous. Fan discloses a call server that sends accounting data to an authentication, authorization and accounting (AAA) server. At paragraph [0025], Fan indicates that the call server collects subscriber IP session billing data at a first billing rate and collects billing data at a second rate upon expiration of a Time of Day (TOD) timer. The call server reports the billing data to the AAA server. At paragraph [0026], Fan discusses network operator

initiated Accounting Interim events that prompt the call server to send interim subscriber accounting status reports to the AAA server and Accounting Stop events that prompt the call server to send IP session activity accounting reports to the AAA server. At paragraph [0027], Fan describes how the call server responds to the Interim and Stop events. In the case of a Stop event, the call server sends an accounting stop message (in the form of session parameters) to the AAA server to indicate termination of a first portion of the billing session billed at the first rate. Thereafter, the call server sends an accounting start message to the AAA server for IP sessions billed at the second rate. Contrary to the Examiner's assertion, there is no disclosure in Fan for any or more of the "pre-empting", "suspending" or "initiating" limitations of Claim 1. Misra and Fan cannot possibly be combined in a manner that meets the limitations of Claim 7. Claim 7 is thus patentably distinguished over the Misra and Fan.

Discussion of Claim 13

Regarding Claim 13, Misra and Fan fail to suggest a

... method in a wireless communications device, the method comprising:

- receiving a network control message;
- suspending an active packet session of the wireless communication device in response to receiving the network control message;
- suspending a dormancy timer after receiving the network control message.

In paragraph [0020], Misra discloses an MSC that sends a MS a message that prevents the MS from performing any action (i.e., re-establishing the packet data session) that would prevent the MSC from paging the MS. Contrary to the Examiner's assertion, Misra does not disclose "suspending a dormancy timer after receiving the network control message" as recited in Claim 13. Suspending a packet session is not the same as suspending initiation of a dormancy timer. Misra does not disclose a dormancy timer.

The Examiner's reliance on Fan to overcome the deficiencies of Misra is erroneous. Fan discloses a call server that sends accounting data to an authentication, authorization and accounting (AAA) server. At paragraph [0025], Fan indicates that the call server collects subscriber IP session billing data at a first billing rate and collects billing data at a second rate upon expiration of a Time of Day (TOD) timer. The call server reports the billing data to the AAA server. At paragraph [0026], Fan discusses network operator initiated Accounting Interim events that prompt the call server to send interim subscriber accounting status reports to the AAA server and Accounting Stop events that prompt the call server to send IP session activity accounting reports to the AAA server. At paragraph [0027], Fan describes how the call server responds to the Interim and Stop events. In the case of a Stop event, the call server sends an accounting stop message (in the form of session parameters) to the AAA server to indicate termination of a first portion of the billing session billed at the first rate. Thereafter, the call server sends an accounting start message to the AAA server for IP sessions billed at the second rate. Contrary to the Examiner's assertion, there is no disclosure in Fan for "...suspending an active packet session of the wireless communication device in response to receiving the network control message [and] suspending a

ZHANG ET AL.
"Enhanced Voice Pre-Emption of
Active Packet Data Services"
Atty. Docket No. CS23995RL

Appl. No. 10/814,831
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Examiner D. Herrera
Art Unit 3617

dormancy timer after receiving the network control message" as recited in Claim 13. Misra and Fan cannot possibly be combined in a manner that meets the limitations of Claim 13. Claim 13 is thus patentably distinguished over the Misra and Fan.

Prayer For Relief

In view of any amendments and the discussion above, the Claims of the present application are in condition for allowance. Kindly withdraw any rejections and objections and allow this application to issue as a United States Patent without further delay.

Respectfully submitted,

/ ROLAND K. BOWLER II /

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REG. NO. 33,477

MOTOROLA, INC.
INTELLECTUAL PROPERTY DEPT. (RKB)
600 NORTH U.S. HIGHWAY 45, W4-37Q
LIBERTYVILLE, ILLINOIS 60048

TELEPHONE NO. (847) 523-3978
FACSIMILE NO. (847) 523-2350